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In the Supreme Court of the United States

OCTOBER TERM, 1965

No. 674

DIETER HULSENBUSCH,
PETITIONER,

v.

THE DAVIDSON RUBBER COMPANY,
RESPONDENT.

RESPONDENT'S BRIEF IN OPPOSITION TO PETITION FOR CERTIORARI

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The Petition for Certiorari only raises issues of fact of a type not normally reviewed by the Supreme Court and therefore, Respondent respectfully submits that it should be denied.

Petitioner has admitted, at page 5, lines 4-8, of the petition that the Circuit Court of Appeals has "applied the correct rule of state law and public policy." Petitioner, therefore does not challenge the interpretation of law, but contends that there was neither evidence nor a finding below that Petitioner had in his possession Respondent's trade secrets.

It is true that the Trial Court protected Respondent from having to make a full display of its trade secrets on the public record, but still there was a great deal of evidence that Petitioner had such information in his possession (see Exhibits V, VI, 7-10; 16-19; 24 and 25).

Moreover, the Trial Court did find that Petitioner was trading on this information (R. 436A, line 6).

Accordingly, the basis for the Petition is factually erroneous, but even if it were not, it is well settled that the Supreme Court does not grant Certiorari for the mere review of findings of fact of the sort involved in the instant case-; *United States* v. *Johnston,* 268, U.S. 220, 227 (1925); *Graver Tank & Mfg. Co.* v. *Linde Air Products Co.,* 336, U.S. 271, 275 (1949).

An order denying the petition is, therefore, respectfully requested.

Respectfully submitted,

ROBERT B. RUSSELL
Attorney for Respondent